PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thomas A. Gentles et al.	Examiner: Kevin Y. Kim
Serial No.: 10/788,903	Group Art Unit: 3714
Filed: February 26, 2004	Docket: 1842.020US1

For: A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT

REINSTATED APPEAL BRIEF UNDER 37 CFR § 41.37

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Sir:

This Reinstatement of Appeal Brief responds to the Reinstated Notice of Appeal to the Board of Patent Appeals and Interferences, filed on January 22, 2010, from the Non Final Rejection of claims 1-2, 4-9 and 11-43 of the above-identified application, as set forth in the Non Final Office Action mailed on July 22, 2009.

The Appellant has paid the fees associated with the previous Notice of Appeal and Appeal Brief, and believes that no further fees are due at this time. If further fees are in fact due, the Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 for any required amount. The Appellant respectfully requests consideration and reversal of the Examiner's rejections of the pending claims.

REINSTATED APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee, WMS GAMING INC.

2. RELATED APPEALS AND INTERFERENCES

The following patent applications are related to the above-identified application, are currently appealed to the Board, and may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. No decisions have been rendered by the Board as of the filing of this Appeal Brief.

App. Serial #	Attorney Docket	Title
10/813,653	1842.017US1	EVENT MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/562,411	1842.019US1	GAMING NETWORK ENVIRONMENT PROVIDING A CASHLESS GAMING SERVICE
10/788,661	1842.021US1	GAMING MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/788,902	1842.022US1	GAME UPDATE SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/794,723	1842.024US1	DISCOVERY SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/794,422	1842.025US1	BOOT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/796,562	1842.027US1	AUTHORIZATION SERVICE IN A SERVICE-ORIENTED GAMING NETWORK
10/802,701	1842.029US1	TIME SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/802,537	1842.031US1	MESSAGE DIRECTOR SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT

3. STATUS OF THE CLAIMS

The present application was filed on April 16, 2004 with claims 1-43. A non-final Office Action mailed January 3, 2007 rejected claims 1-43 . Claim 10 was canceled in a response to the non-final Office Action. A second non-final mailed Office Action mailed June 28, 2007 rejected claims 1-9 and 11-43. Claim 3 was canceled in a response to the second non-final Office Action. A Final Office Action was mailed December 31, 2007 rejecting claims 1-2, 4-9 and 11-43. A third non-final Office Action (hereinafter "the Office Action") mailed July 22, 2009 rejected claims 1-2, 4-9 and 11-43. Pending claims 1-2, 4-9 and 11-43 stand twice rejected, remain pending, and are the subject of the present Appeal.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Office Action dated July 22, 2009.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Some aspects of the present inventive subject matter include, but are not limited to, systems and methods that provide a service-oriented gaming network environment. In general, the independent claims recite systems and methods that provide a three party handshake for providing a service on a wagering game network. The service first sends service information to a discovery agent, the discovery agent authorizes and authenticates the service and in response publishes the service information, and a client such as a wagering game machine desiring to use the service obtains the service information from the discovery agent and uses the service information to contact and utilize the service.

This summary is presented in compliance with the requirements of Title 37 C.F.R. § 41.37(c)(1)(v), mandating a "concise explanation of the subject matter defined in each of the independent claims involved in the appeal . . .." Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed so as to limit the scope of the claims in any way.

INDEPENDENT CLAIM 1

1. A system providing a gaming network environment, the system comprising:

A plurality of gaming machines communicably coupled to a gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; *[see e.g., FIGs. 1 and 2, element 10; page 5, line 9 to page 6, line 14; page 7, lines 6-12]* and

at least one service provider communicably coupled to the gaming network, said service provider operable to provide a service to one or more of the plurality of gaming machines; *[see e.g., FIG. 3, element 304; page 11, lines 15-23]*

a discovery agent communicably coupled to the gaming network, the discovery agent operable to: *[see e.g., FIG. 3, element 306; page 11, line 27 to page 12, line 10]*

receive service information from the service provider, *[see e.g., FIG. 3, elements 304, 322 and 330; page 11, line 27 to page 12, line 10]*

determine if the service provider is authentic and authorized for the gaming network, and *[see e.g., page 7, lines 25-30; page 15, lines 12-29]*

publish the service information to a service repository to make the service available on the gaming network; *[see e.g., FIG. 3, elements 324 and 326; page 11, line 27 to page 12, line 10]*

wherein the gaming machine issues a request for the location of the service to the discovery agent and use the service information received from the discovery agent to issue a registration request to register the gaming machine with the service; and *[see e.g., FIG. 3, elements 302, 306, 312, 332, 306 and 326; page 11, line 27 to page 12, line 10]*

wherein the service provider is operable to:

receive a registration request for the service from the gaming machine; *[see e.g., FIG. 3, elements 302, 304 and 334; page 16, line 28 to page 17, line 6]*

verify that the gaming machine is authorized to utilize the service, *[see e.g., FIG. 2, element 232; page 6, lines 21-26]*

receive a request for the service; and *[see e.g., FIG. 3, elements 302, 304, 334; page 16, line 28 to page 17, line 6]*

respond to the request for the service, said registration request, request for the service and response formed using internetworking protocols. *[see e.g., FIG. 3, elements 302, 304 and 334; FIG. 4, element 400; page 12, line 18 – page 14, line 4; page 16, line 28 to page 17, line 6]*

INDEPENDENT CLAIM 30

30. A method for providing a service in a gaming network, the method comprising:

sending service information for the service from the a service provider for the service to a discovery agent on the gaming network, wherein service provider provides the service for a plurality of gaming machines communicably coupled to the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; *[see e.g., FIGs. 1-2, element 10; FIG. 3, elements 302 and 304; page 5, line 9 to page 6, line 14; page 7, lines 6-12]*

determining by the discovery agent if the service provider is authentic and authorized; *[see e.g., page 7, lines 25-30; page 15, lines 12-29]*

in response to determining that service provider is authentic and authorized, publishing the service information to a service repository to make the service available on the gaming network; *[see e.g., FIG. 3, elements 324 and 326; page 11, line 27 to page 12, line 10]*

receiving by the discovery agent a request for the service information for the service from the gaming machine communicably coupled to the gaming network; *[see e.g., FIG. 3, elements 302, 306, 312, 332, 306 and 326; page 11, line 27 to page 12, line 10]*

returning the service information for the service to the gaming machine; *[see e.g., FIG. 3, elements 302, 306, 312, 332, 306 and 326; page 11, line 27 to page 12, line 10]*

sending a request using the service information to the service to register the gaming machine with the service; *[see e.g., FIG. 3, elements 302, 304 and 334; page 16, line 28 to page 17, line 6]*

determining if the gaming machine is authorized to utilize the service; and *[see e.g., FIG. 2, element 232; page 6, lines 21-26]*

in response to determining that the gaming machine is authorized to utilize the service, processing one or more service requests between the gaming machine and the service. *[see e.g., FIG. 3, elements 302, 304 and 334; FIG. 4, element 400; page 12, line 18 – page 14, line 4; page 16, line 28 to page 17, line 6]*

INDEPENDENT CLAIM 37

37. A computer-readable medium having computer-executable instructions for providing a service in a gaming network, a method comprising:

sending service information for the service from the a service provider for the service to a discovery agent on the gaming network, wherein service provider provides the service for a plurality of gaming machines communicably coupled to the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; *[see e.g., FIGs. 1-2, element 10; FIG. 3, elements 302 and 304; page 5, line 9 to page 6, line 14; page 7, lines 6-12]*

determining by the discovery agent if the service provider is authentic and authorized; *[see e.g., page 7, lines 25-30; page 15, lines 12-29]*

in response to determining that service provider is authentic and authorized, publishing the service information to a service repository to make the service available on the gaming network; *[see e.g., FIG. 3, elements 324 and 326; page 11, line 27 to page 12, line 10]*

receiving by the discovery agent a request for the service information for the service from the gaming machine communicably coupled to the gaming network; *[see e.g., FIG. 3, elements 302, 306, 312, 332, 306 and 326; page 11, line 27 to page 12, line 10]*

returning the service information for the service to the gaming machine; *[see e.g., FIG. 3, elements 302, 306, 312, 332, 306 and 326; page 11, line 27 to page 12, line 10]*

sending a request using the service information to the service to register the gaming machine with the service; *[see e.g., FIG. 3, elements 302, 304 and 334; page 16, line 28 to page 17, line 6]*

determining if the gaming machine is authorized to utilize the service; and *[see e.g., FIG. 2, element 232; page 6, lines 21-26]*

in response to determining that the gaming machine is authorized to utilize the service, processing one or more service requests between the gaming machine and the service. *[see e.g., FIG. 3, elements 302, 304 and 334; FIG. 4, element 400; page 12, line 18 – page 14, line 4; page 16, line 28 to page 17, line 6]*

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-8, 10-14, 16, 18, 21-24, 26-35, and 37-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto (US 6,916,247, hereinafter "Gatto") in view of Day II (US 2002/0046260 A1, hereinafter "Day").[1]

Claims 9, 15, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto and Day in view of Wynn (US 5,971,271, hereinafter "Wynn").

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto and Day in view of Barnes (US 2003/0065805, hereinafter "Barnes").

Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto and Day in view of Weiss (US 2007/0060381, hereinafter "Weiss").

Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto and Day in view of Nelson (US 6,935,958, hereinafter "Nelson").

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto and Day in view of Murata (US 2002/0013174, hereinafter "Murata").

Claims 36 and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto and Day in view of Barnes.

[1] Claims 3 and 10 were included in the rejection, however claims 3 and 10 have been previously canceled.

7. ARGUMENT

A) The Applicable Law under 35 U.S.C. § 103

The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.,* 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

The Federal Circuit has stated:

> Obviousness is tested by "what the combined teaching of the references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 878 (CCPA 1981)). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys.*, 732 F.2d at 1577, 221 USPQ at 933. And "teachings of references can be combined *only* if there is some suggestion or incentive to do so." *Id.* (emphasis in original).
>
> *In re Fine*, 837 F.2d 1071; 5 USPQ2d 1596 (Fed. Cir.1988).

The test for obviousness under §103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir.1985). The Examiner must, as one of the inquiries pertinent to any obviousness inquiry under 35 U.S.C. §103, recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir.1990). The fact that a reference teaches away from a claimed invention is highly probative that the reference would not have rendered the claimed invention obvious to one of ordinary skill in the art. *Stranco Inc. v. Atlantes Chemical Systems, Inc.*, 15 USPQ2d 1704, 1713 (Tex. 1990). When the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007).

Further, conclusions of obviousness must be based on facts, not generality. *In re Warner*, 379 F.2d 1011, 1017 (C.C.P.A. 1967); *In re Freed*, 425 F.2d 785, 787 (C.C.P.A. 1970). In fact, there must be a rational underpinning grounded in evidence to support the legal conclusion of obviousness. The Federal Circuit has stated that, "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn,* 441 F. 3d 977, 988 (Fed. Cir. 2006), citing *In re Lee*, 61 USPQ2d 1430 (Fed. Cir.2002); 72 FR 57527-28 (Oct. 10, 2007).

Moreover, "mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole." *In re Kahn,* 441 F. 3d 977, 988 (Fed. Cir. 2006). This was recently echoed by the U.S. Supreme Court in *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.).

B) <u>The Application of 35 U.S.C. § 103(a) to the Rejected Claims</u>

1) The Rejection of Claims 1-2, 4-8, 11-14, 16, 18, 21-24, 26-35 and 37-42 under 35 U.S.C. § 103(a) as being unpatentable over Gatto in view of Day.

Claims 1, 30 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto in view of Day. Appellant respectfully submits that the Office Action fails to reach a proper conclusion of obviousness because of the differences between the cited art and Appellant's claims. In particular, Appellant's claims contain elements not found in any of the cited art.

For example, claim 1 recites that a discovery agent receives "service information from the service provider." Claims 30 and 37 recite similar elements regarding a service sending service information to a discovery agent. Appellant has reviewed Gatto and can find no disclosure of a service sending service information about a service to a discovery agent on a gaming network. The Office Action asserts that Gatto, at column 15, lines 57-58, discloses the recited language. Appellant respectfully disagrees with this interpretation of Gatto. Gatto, at column 15, lines 54-62 states:

> ... UDDI nodes enables developers to publish web services and enables their software to search for and bind to services offered by others.
>
> Network Services deliver loose coupling services between service requesters and service providers. Service requestors "consume" services provided by services providers. Publication of service descriptions play a central role to enable service requesters to discover available services and bind to them.

Nothing in the cited section, nor in Gatto as whole discloses that a service provider sends service information to a discovery agent. While Gatto does disclose that service information is

published, Gatto is silent as to how the information is provided to a UDDI node. It is neither inherent nor necessary that a service provide service information to a discovery agent. For example, one way known in the art is for a user to provide service information to a discovery agent using a user interface to provide configuration details or to direct the discovery agent to read configuration from a file. Gatto does not disclose any mechanism for a discovery agent to obtain service information, thus Gatto does not teach or suggest that a discovery agent receives "service information from the service provider." Additionally, Appellant has reviewed Day and can find no teaching or suggestion of a discovery agent that receives service information from a service provider.

In the "Response to Arguments" section, the Office Action asserts that Appellant has "admitted that such functionality is known in the art." Appellant has made no such admission. Appellant merely stated that it was known in the art for a user to provide service information to demonstrate that the claimed functionality was neither inherent nor necessary in UDDI. A user is not a service provider. Therefore Appellant's statement regarding what a user may do cannot be considered any kind of admission as to what a service provider may do.

Further, claim 1 recites that the discovery agent is operable to "determine if the service provider is authentic and authorized for the gaming network." Claims 30 and 37 recite similar language with respect to a discovery agent authenticating and authorizing a service. The Office Action correctly states that Gatto does not teach or suggest that a discovery agent determines if a service implemented by a service provide is authentic and authorized for a gaming network. The Office Action attempts to make up for the deficiency in Gatto by stating that Day, at Figure 2, element 202 and at paragraphs [0052], [0055] and [0058]-[0059] teach authorization services, and that "since all the services put together make up the network management service (paragraph [0052]), the discovery agent thus includes authorization/authentication services." Appellant respectfully disagrees with this interpretation of Day for several reasons. First, the network management service is not itself a discovery service, rather it includes a discovery service as a separate and discrete component of the network management service. Second, Day specifically states that "authorization services are incorporated into and are the responsibility of remote

execution service 206."[2] The remote execution service is a distinct and separate component from the discovery service. Remote execution service 206 is described as being used to "initiate remote execution of an application, as well as remotely initiate local execution of an application."[3] Such activity is not the same as that provided by a discovery agent. There is no disclosure of any authorization performed by the discovery service in Day. Additionally, Day merely discloses authorization for remote execution, Day does not disclose any sort of authentication of a service provider as recited in the claims.

Claim 1 further recites "in response to determining that service provider is authentic and authorized, publishing the service information to a service repository to make the service available on the gaming network." The Office Action does not specifically provide any citation to Gatto or Day that corresponds to the cited language. Appellant notes that neither Gatto nor Day discloses the recited language. As stated in the Office Action, Gatto does not disclose determining that a service provider is authentic and authorized. Further, Day's authorization is in response to a request to execute a file and is not in response to any request to publish the availability of a service.

Thus the combination of Gatto with Day fails to teach or suggest that a discovery service is operable to do the authentication and authorization (with the aid of an authentication and authorization service in some embodiments). Appellant's claims recite a novel and nonobvious arrangement and application of discovery, authentication and authorization, and the use of services in a gaming network, where a service first sends service information to a discovery agent, the discovery agent authorizes and authenticates the game update service and in response publishes the service information, and a client such as a wagering game machine desiring to use the service obtains the service information from the discovery agent and uses the service information to contact and utilize the service. Thus even if Gatto and Day disclose service providers and authorization (which is not admitted), the arrangement in Gatto and Day is different from that recited in Appellant's claims 1, 30 and 37. As noted above, the "mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole." In particular, neither Gatto nor Day, alone or in

[2] See Day at paragraph [0055]
[3] See Day at paragraph [0052]

combination, teaches or suggests that a discovery agent authenticates and authorizes a service provider for a gaming network prior to publishing the availability of the service.

In view of the above, claims 1, 30 and 37 recite multiple elements that are not taught or suggested by the combination of Gatto and Day. Therefore claims 1, 30 and 37 are not obvious in view of the combination of Gatto and Day. Appellant respectfully requests reversal of the rejection of claims 1, 30 and 37.

Claims 2-8, 11-14, 16, 18, 21-24 and 26-29 depend from claim 1. Claims 31-35 depend from claim 30. Claims and 38-42 depend from claim 37. These dependent claims inherit the elements of their respective base claims and therefore allowable for at least the reasons discussed above regarding base claims 1, 30 and 37. Appellant respectfully requests reversal of the rejection of claims 2-8, 11-14, 16, 18, 21-24, 26-29, 31-35 and 38-42.

2) The Rejection of Claims 9, 15 and 25 as being unpatentable over Gatto and Day in view of Wynn.

Each of dependent claims 9, 15 and 25 depends from independent claim 1. These dependent claims therefore inherit all of the elements of claim 1, including elements directed to sending service information to a discovery agent and verifying by the discovery agent that the service is authentic and authorized for the gaming network. As discussed above, Gatto and Day fail to teach or suggest these elements. Additionally, Appellant has reviewed Wynn and can find no teaching or suggestion of sending service information to a discovery agent or verifying by the discovery agent that the service is authentic and authorized for the gaming network. As a result, the combination of Gatto, Day and Wynn fails to teach or suggest each and every element (including inherited elements) of Appellant's claims 9, 15 and 25. Therefore there are differences between the cited references and claims 9, 15 and 25. Thus claims 9, 15 and 25 are not obvious in view of the combination of Gatto and Day in view of Wynn. Appellant respectfully requests reversal of the rejection of claims 9, 15 and 25.

3) The Rejection of Claim 17 as being unpatentable over Gatto and Day in view of Barnes.

Claim 17 depends from independent claim 1 and therefore inherits all of the elements of claim 1, including elements directed to sending service information to a discovery agent and verifying by the discovery agent that the service is authentic and authorized for the gaming network. As discussed above, Gatto and Day both fail to teach or suggest these elements. Additionally, Appellant has reviewed Barnes and can find no teaching or suggestion of sending service information to a discovery agent or verifying by the discovery agent that the service is authentic and authorized for the gaming network. As a result, the combination of Gatto, Day and Barnes fails to teach or suggest each and every element (including inherited elements) of Appellant's claim, 17. Therefore there are differences between the cited references and claim 17. Thus claim 17 is not obvious in view of the combination of Gatto, Day and Barnes. Appellant respectfully requests reversal of the rejection of claim 17.

4) The Rejection of Claim 19 as being unpatentable over Gatto and Day in view of Weiss.

Claim 19 depends from independent claim 1 and therefore inherits all of the elements of claim 1, including elements directed to sending service information to a discovery agent and verifying by the discovery agent that the service is authentic and authorized for the gaming network. As discussed above, Gatto and Day both fail to teach or suggest these elements. Further, Appellant has reviewed Weiss and can find no teaching or suggestion of sending service information to a discovery agent or verifying by the discovery agent that the service is authentic and authorized for the gaming network. As a result, the combination of Gatto, Day and Weiss fails to teach or suggest each and every element (including inherited elements) of Appellant's claim, 19. Therefore there are differences between the cited references and claim 19. Thus claim 19 is not obvious in view of the combination of Gatto, Day and Weiss. Appellant respectfully requests reversal of the rejection of claim 19.

5) The Rejection of Claim 19 as being unpatentable over Gatto and Day in view of Nelson.

Claim 19 depends from independent claim 1 and therefore inherits all of the elements of claim 1, including elements directed to sending service information to a discovery agent and verifying by the discovery agent that the service is authentic and authorized for the gaming network. As discussed above, Gatto and Day both fail to teach or suggest these elements. Further, Appellant has reviewed Nelson and can find no teaching or suggestion of sending service information to a discovery agent or verifying by the discovery agent that the service is authentic and authorized for the gaming network. As a result, the combination of Gatto, Day and Nelson fails to teach or suggest each and every element (including inherited elements) of Appellant's claim, 19. Therefore there are differences between the cited references and claim 19. Thus claim 19 is not obvious in view of the combination of Gatto, Day and Nelson. Appellant respectfully requests reversal of the rejection of claim 19.

6) The Rejection of Claim 20 as being unpatentable over Gatto and Day in view of Murata.

Claim 20 depends from independent claim 1 and therefore inherits all of the elements of claim 1, including elements directed to sending service information to a discovery agent and verifying by the discovery agent that the service is authentic and authorized for the gaming network. As discussed above, Gatto and Day both fail to teach or suggest these elements. Additionally, Appellant has reviewed Murata and can find no teaching or suggestion of sending service information to a discovery agent or verifying by the discovery agent that the service is authentic and authorized for the gaming network. As a result, the combination of Gatto, Day and Murata fails to teach or suggest each and every element (including inherited elements) of Appellant's claim, 20. Therefore there are differences between the cited references and claim 20. Thus claim 20 is not obvious in view of the combination of Gatto, Day and Murata. Appellant respectfully requests reversal of the rejection of claim 20.

7) The Rejection of Claims 36 and 43 as being unpatentable over Gatto and Day in view of Barnes.

Claim 36 depends from independent claim 30 and claim 43 depends from independent claim 37. These dependent claims therefore inherit all of the elements of their respective base claims 30 and 37, including elements directed to sending service information to a discovery agent and verifying by the discovery agent that the service is authentic and authorized for the gaming network. As discussed above, Gatto and Day each fail to teach or suggest these elements. Additionally, as noted above, Appellant has reviewed Barnes and can find no teaching or suggestion of sending service information to a discovery agent or verifying by the discovery agent that the service is authentic and authorized for the gaming network. As a result, the combination of Gatto, Day and Barnes fails to teach or suggest each and every element (including inherited elements) of Appellant's claims 36 or 43. In view of the above, there are differences between claims 36 and 43 and the cited references. Therefore claims 36 and 43 are not obvious in view of Gatto and Day combined with Barnes. Appellant respectfully requests reversal of the rejection of claims 36 and 43.

SUMMARY

For the reasons argued above, claims 1-2, 4-9 and 11-43 were not properly rejected under 35 U.S.C § 103(a) as being obvious over Gatto, Day and combinations of Barnes, Murata, Wynn, Weiss or Nelson.

It is respectfully submitted that the art cited does not render the claims obvious and that the claims are patentable over the cited art. Reversal of the rejections and allowance of the pending claim are respectfully requested.

Respectfully submitted,

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Date **June 22, 2010**

By /R. L. Lacy/
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Appeal Brief – Patents,Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22 day of June, 2010.

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Signature

8. CLAIMS APPENDIX

1. A system providing a gaming network environment, the system comprising:

A plurality of gaming machines communicably coupled to a gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; and

at least one service provider communicably coupled to the gaming network, said service provider operable to provide a service to one or more of the plurality of gaming machines;

a discovery agent communicably coupled to the gaming network, the discovery agent operable to:

receive service information from the service provider,

determine if the service provider is authentic and authorized for the gaming network, and

publish the service information to a service repository to make the service available on the gaming network;

wherein the gaming machine issues a request for the location of the service to the discovery agent and use the service information received from the discovery agent to issue a registration request to register the gaming machine with the service; and

wherein the service provider is operable to:

receive a registration request for the service from the gaming machine;

verify that the gaming machine is authorized to utilize the service,

receive a request for the service; and

respond to the request for the service, said registration request, request for the service and response formed using internetworking protocols.

2. The system of claim 1, wherein the service provider comprises a web services provider and the internetworking protocols comprise web services internetworking protocols.

4. The system of claim 1, wherein the service comprises a boot service.

5. The system of claim 1, wherein the service comprises a gaming management service.

6. The system of claim 5, wherein the gaming management service is operable to provide configuration data.

7. The system of claim 1, wherein the service comprises an accounting service.

8. The system of claim 1, wherein the service comprises an authentication service.

9. The system of claim 1, wherein the service comprises an authorization service, the authorization service operable to determine authorization to use services on the gaming network.

11. The system of claim 1, wherein the service comprises an event management service.

12. The system of claim 1, wherein the service comprises a gaming software update service.

13. The system of claim 1, wherein the service comprises a message director service.

14. The system of claim 1, wherein the service comprises a content integrity service.

15. The system of claim 1, wherein the service comprises a progressive gaming service.

16. The system of claim 1, wherein the service comprises a mobile gaming device location service.

17. The system of claim 16, wherein the mobile gaming device location service is a GPS based service.

18. The system of claim 1, wherein the service comprises a player tracking service.

19. The system of claim 1, wherein the service comprises a game theme location service.

20. The system of claim 1, wherein the service comprises a personalization service.

21. The system of claim 1, wherein the service comprises a cashless transaction service.

22. The system of claim 1, wherein the service comprises a bonusing service.

23. The system of claim 1, wherein the service comprises a game outcome service.

24. The system of claim 1, wherein the service comprises an advertising service.

25. The system of claim 1, wherein the service comprises a property management service.

26. The system of claim 1, wherein the internetworking protocols include a services description language protocol layer.

27. The system of claim 26, wherein the services description language protocol layer is a version of the WSDL web services description language protocol.

28. The system of claim 1, wherein the internetworking protocols include a service discovery protocol layer.

29. The system of claim 28, wherein the service discovery protocol layer comprises the UDDI (Universal Description Discovery and Integration) protocol layer.

30. A method for providing a service in a gaming network, the method comprising:

sending service information for the service from the a service provider for the service to a discovery agent on the gaming network, wherein service provider provides the service for a plurality of gaming machines communicably coupled to the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game;

determining by the discovery agent if the service provider is authentic and authorized;

in response to determining that service provider is authentic and authorized, publishing the service information to a service repository to make the service available on the gaming network;

receiving by the discovery agent a request for the service information for the service from the gaming machine communicably coupled to the gaming network;

returning the service information for the service to the gaming machine;

sending a request using the service information to the service to register the gaming machine with the service;

determining if the gaming machine is authorized to utilize the service; and

in response to determining that the gaming machine is authorized to utilize the service, processing one or more service requests between the gaming machine and the service.

31. The method of claim 30, wherein the service is a web service.

32. The method of claim 31, further comprising defining the web service using a service description language.

33. The method of claim 32, wherein the service description language comprises a Web Services Description Language (WSDL).

34. The method of claim 30, wherein publishing the service information includes registering the service with a registry.

35. The method of claim 34, wherein the registry comprises a UDDI (Universal Description Discovery and Integration) registry.

36. The method of claim 30, wherein the service is located using a Uniform Resource Locator (URL).

37. A computer-readable medium having computer-executable instructions for providing a service in a gaming network, a method comprising:

sending service information for the service from the a service provider for the service to a discovery agent on the gaming network, wherein service provider provides the service for a plurality of gaming machines communicably coupled to the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game;

determining by the discovery agent if the service provider is authentic and authorized;

in response to determining that service provider is authentic and authorized, publishing the service information to a service repository to make the service available on the gaming network;

receiving by the discovery agent a request for the service information for the service from the gaming machine communicably coupled to the gaming network;

returning the service information for the service to the gaming machine;

sending a request using the service information to the service to register the gaming machine with the service;

determining if the gaming machine is authorized to utilize the service; and

in response to determining that the gaming machine is authorized to utilize the service, processing one or more service requests between the gaming machine and the service.

38. The computer-readable medium of claim 37, wherein the service is a web service.

39. The computer-readable medium of claim 38, further comprising defining the web service using a service description language.

40. The computer-readable medium of claim 39, wherein the service description language comprises a Web Services Description Language (WSDL).

41. The computer-readable medium of claim 37, wherein publishing the service information includes registering the service with a registry.

42. The computer-readable medium of claim 41, wherein the registry comprises a UDDI (Universal Description Discovery and Integration) registry.

43. The computer-readable medium of claim 37, wherein the service is located using a Uniform Resource Locator (URL).

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.